

Amendment No. 2 to SB1109

Watson
Signature of Sponsor

AMEND Senate Bill No. 1109

House Bill No. 1110*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following as a new section:

(a) Upon request by a person who has an acquired brain injury, an intellectual disability, or a developmental disability, or by a parent or guardian of a minor, or a conservator of a person with the injury or disability, when the department issues or renews a driver license or photo identification license to the person, the driver license or photo identification license shall have language or a symbol designed by the department, that indicates the person has an acquired brain injury, an intellectual disability, or a developmental disability. The language or symbol shall be displayed clearly on the license.

(b) A person who elects to have language or a symbol indicating an acquired brain injury, an intellectual disability, or a developmental disability on the person's license at the time of issuance, renewal, or reissue shall pay the required license fee, check a box on the application stating the person has an acquired brain injury, an intellectual disability, or a developmental disability, and provide proof of a diagnosis by a licensed medical doctor, psychiatrist, psychologist or senior psychological examiner, or neurologist of the acquired brain injury, intellectual disability, or developmental disability.

(c) A person who elects to have the acquired brain injury, intellectual disability, or developmental disability designation added to the person's license may opt out of participation at any time. If a change is sought outside the normal renewal schedule, the

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person shall bear the associated costs, consistent with established fees applicable to reissuance of licenses.

(d) For purposes of this section:

(1) "Acquired brain injury" means an alteration in brain function or other evidence of brain pathology; and

(2) "Developmental disability" and "intellectual disability" have the same meanings as defined in § 33-1-101.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new section:

(a) Any law enforcement officer who interacts with a person who is a victim, witness, or suspect, or is otherwise stopped by a law enforcement officer in relation to an offense or violation, and who exhibits characteristics of an acquired brain injury, an intellectual disability, or a developmental disability shall make a good faith effort to immediately contact the parent or guardian of a minor, or a person's conservator regarding the interaction.

(b)

(1) A law enforcement officer shall, upon the request of a person diagnosed with an acquired brain injury, an intellectual disability, or a developmental disability or the parent or guardian of a minor, or the person's conservator, make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews with the person. The professional

must have experience treating, teaching, or assisting patients or clients who have been diagnosed with an acquired brain injury, an intellectual disability, or a developmental disability or must be certified in special education with a concentration focused on persons with an acquired brain injury, an intellectual disability, or a developmental disability.

(2) If the person who has an acquired brain injury, an intellectual disability, or a developmental disability, or if the parent or guardian of a minor or the person's conservator, requests the presence of a professional at an interview, except for expenses related to accommodations mandated by state or federal disability law, the person shall initially be responsible for any costs or fees charged by the professional related thereto. If the person is a victim or witness, the defendant shall reimburse the victim or witness for all expenses related to the attendance of the professional at the interview, in addition to other restitution or penalties provided by law, upon conviction related to the offense involving the victim or witness.

(3) Failure to have a professional present at the time of the interview is not a basis for suppression of the statement or the contents of the interview or for a cause of action against the law enforcement officer or agency.

(4) This subsection (b) applies to a person who is the victim, a suspect, or a defendant formally accused of a crime.

(c) Each law enforcement agency shall ensure that appropriate policies are developed that implement this section and that training is provided to law enforcement officers based on such policies.

(d) For purposes of this section:

(1) "Acquired brain injury" means an alteration in brain function or other evidence of brain pathology; and

(2) "Developmental disability" and "intellectual disability" have the same meanings as defined in § 33-1-101.

SECTION 3. This act shall take effect January 1, 2019, the public welfare requiring it.